

EXPRESS MAIL LABEL NO. EL 977 676 295 US
Date Mailed: DECEMBER 19, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roger Tsien Docket No.: 39754-0861 CPDV3C1
Serial No.: 10/024,686 Group Art Unit: 1652
Filing Date: December 17, 2001 Examiner: Slobodyansky, E.
For: **MODIFIED GREEN FLUORESCENT PROTEINS**

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(c)

Commissioner for Patents
PO Box 1450
Alexandria, Virginia. 22313-1450

Dear Sir:

1. The owner, The Regents of the University of California, having a principal place of business at 1111 Franklin Street, 7th Floor, Oakland, California 94607-2000, represents that it is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-identified patent application. The Regents of the University of California is also the owner of the entire right, title and interest in the invention disclosed in U.S. Patent Serial No. 5,777,079.

The Regents of the University of California hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application with claims directed to the subject matter of pending claims 1-15, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Serial No. 5,777,079. The owner hereby agrees that any patent so granted on the instant application with claims directed to the subject matter of pending claims 1-15 shall be enforceable only for and during such period that it and U.S. Patent Serial No. 5,777,079 are commonly owned. This agreement runs with any

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patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of U.S. Patent 5,777,079 as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, or in the event that it later is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321; has all claims canceled by a re-examination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

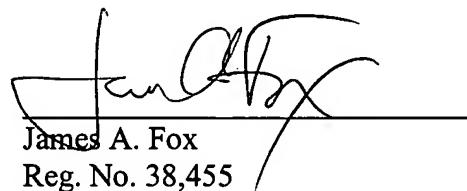
2. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

3. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

4. The undersigned is an attorney of record.

5. The Commissioner is authorized to charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39754-0861 CPDV3C1). A duplicate copy of the transmittal letter accompanying the present Terminal Disclaimer is enclosed.

Respectfully submitted,



James A. Fox
Reg. No. 38,455

Date: December 19, 2003

HELLER EHRMAN WHITE & McAULIFFE LLP
Customer No. 25213
275 Middlefield Road
Menlo Park, California 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

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The Regents of the University of California hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application with claims directed to the subject matter of pending claims 1-15, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Serial No. 6,066,476. The owner hereby agrees that any patent so granted on the instant application with claims directed to the subject matter of pending claims 1-15 shall be enforceable only for and during such period that it and U.S. Patent Serial No. 6,066,476 are commonly owned. This agreement runs with any

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patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of U.S. Patent 6,066,476 as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, or in the event that it later is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321; has all claims canceled by a re-examination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

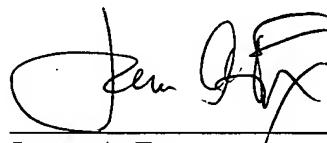
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